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7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9 **TACOMA DIVISION**

10 WILL CO. LTD. a limited liability company  
11 organized under the laws of Japan,

12 Plaintiff,

13 vs.

14 KA YEUNG LEE, an individual; YOUHAHA  
15 MARKETING AND PROMOTION  
16 LIMITED, a foreign company; and, DOES 1-  
17 20, d/b/a THISAV.COM,

18 Defendants

**Case No. 3:20-cv-05802-BHS**

**DECLARATION OF KA YEUNG LEE IN  
SUPPORT OF DEFENDANTS' MOTION  
TO DISMISS**

19 **DECLARATION OF KA YEUNG LEE**  
20 **IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS**

21 I, Ka Yeung Lee, declare and state as follows:

22 1. My name is Ka Yeung Lee, I am over the age of 18 years. I am a Director of  
23 Defendant Youhaha Marketing and Promotion Limited ("YMP"), a company registered in Hong  
24 Kong. (Hong Kong is officially known as the Hong Kong Special Administrative Region of the  
People's Republic of China, but hereinafter referred to as "Hong Kong"). I have lived and  
worked in Hong Kong for almost my entire life. I moved to Canada in September 2020 on a  
work visa, and currently live and work in Canada. All statements contained in this declaration

1 are true and correct to the best of my knowledge. If called as a witness, I could and would  
2 testify as to the facts set forth in this declaration.

3 2. I was born in Hong Kong and have lived in Hong Kong for almost my entire life.

4 3. I am a Hong Kong permanent resident.

5 4. I currently reside in Canada, as I recently moved there on a working visa in  
6 September 2020. The reason for my move to Canada was unrelated to my relationship with  
7 YMP and ThisAV.com, and I perform no work for YMP or ThisAV.com from Canada.

8 5. I am named as a defendant in my individual capacity in this lawsuit.

9 6. I do not personally own or operate the website “ThisAV.com”, rather, YMP owns  
10 and operates the ThisAV.com.

11 7. I have the position of “Director” with YMP, but I do not personally own or  
12 operate ThisAV.com in my individual capacity.

13 8. All work that I did for ThisAV.com, I did in my capacity as a Director of YMP  
14 and not on my own personal behalf.

15 9. All of the work that I did for ThisAV.com and YMP I did from my workplace in  
16 Hong Kong.

17 10. On behalf of YMP and ThisAV.com, and from my workspace in Hong Kong, I  
18 purchased the domain name “thisav.com” through Godaddy.com using the self-service interface  
19 on Godaddy.com.

20 11. On behalf of YMP and ThisAV.com, and from my workspace in Hong Kong, I  
21 acquired the privacy services of Domains by Proxy, LLC, for ThisAV.com. Domains by Proxy,  
22 LLC provides common privacy tool for domain name registrants on the internet.

23 12. I understand that Domains by Proxy, LLC is a commonly used privacy tool for  
24 domain name registrants. According to the Wikipedia page for “Domains by Proxy,” over

1 9,850,000 domains used the Domains by Proxy service in 2014. A link to this Wikipedia page is  
2 here: [https://en.wikipedia.org/wiki/Domains\\_by\\_Proxy](https://en.wikipedia.org/wiki/Domains_by_Proxy)

3 13. On behalf of YMP and ThisAV.com, and from my workspace in Hong Kong, I  
4 directed YMP to acquire website hosting services from GorillaServers, Inc. for ThisAV.com.  
5 The main reason that I directed YMP to acquire the hosing services of Gorilla Servers, Inc, for  
6 ThisAV.com, is because Gorilla Servers, Inc. provides excellent connectivity to Japan, Taiwan,  
7 and Hong Kong, where the vast majority of ThisAV.com's users reside.

8 14. On behalf of YMP and ThisAV.com, and from my workspace in Hong Kong, I  
9 engaged with Cloudflare, Inc., to provide content delivery networks, domain name resolution  
10 services, and Distributed Denial of Services attacks (DDoS) protection for ThisAV.com. I used  
11 the self-service options on Cloudflare's website to obtain these services and I accessed them  
12 from my workspace in Hong Kong. I have no influence as to whether or not Cloudflare uses US  
13 servers in respect to ThisAV.com, it is not at the direction of me or YMP, and rather must be the  
14 result of Cloudflare's own internal deliberation or process.

15 15. On behalf of YMP and ThisAV.com, and from my workplace in Hong Kong, I  
16 engaged with histats.com to obtain website visitor analytics for ThisAV.com. When doing this, I  
17 only utilized histats.com's self-service online application. Neither I nor YMP had any additional  
18 contacts with histats.com aside from utilizing their self-service website.

19 16. On behalf of YMP and ThisAV.com, and from my workplace in Hong Kong, I  
20 signed up ThisAV.com with ThisAV.com's advertising brokers: Tiger Media, Inc. d/b/a  
21 JuicyAds a Canadian Company registered in Saskatchewan, Tomksoft S.A. d/b/a PopAds which  
22 is a Costa Rican joint stock company ("PopAds"), and ExoClick, S.L. d/b/a ExoClick which is a  
23 Spanish company based in Barcelona ("ExoClick"). I used the self-service function on these  
24 advertising brokers' websites when signing up ThisAV.com.

1           17.     I never spent any of my own money in respect to providing services for YMP or  
2 ThisAV.com.

3           18.     The allegedly infringing files referenced in the Complaint in this matter are user  
4 generated content, that is, content that was uploaded by users.

5           19.     I did not upload the allegedly infringing files referenced in the Complaint in this  
6 matter; I did not direct anyone to upload the files; nor do I have any knowledge that anyone on  
7 behalf of YMP or ThisAV.com uploaded the allegedly infringing files referenced in the  
8 Complaint.

9           20.     I do not have any commercial relationships with any of the users of ThisAV.com  
10 that I am aware of, nor any of the entities whose ads appear on ThisAV.com.

11 **No Business in Washington or the United States**

12           21.     All of the work that I have done for YMP and ThisAV.com has been in my  
13 capacity as a Director of YMP and never in my own personal capacity.

14           22.     All of the work that I have done on behalf of YMP for ThisAV.com has been  
15 from Hong Kong.

16           23.     I have never visited the United States. I did obtain a travel visa to the United  
17 States in about 2001, but I never used it nor traveled to the United States, and I did not renew  
18 this visa.

19           24.     I do not have employees who regularly travel to the United States, in general, or  
20 Washington in particular, to conduct business.

21           25.     I do not have any employees in the United States (including Washington).

22           26.     I do not have a bank account in the United States (including Washington).

23           27.     I have never owned or leased real estate in the United States (including  
24 Washington).

1           28.     I have never had a telephone number in the United States (including Washington).

2           29.     I have never paid taxes in or to the United States or Washington.

3           30.     I have not contracted with any United States companies or individuals, nor  
4 conducted business with United States companies or individuals in respect to my own individual  
5 capacity that I am aware of.

6     **Travel to the United States**


7           31.     It would be burdensome and costly for me to travel to Washington for trial or  
8 other proceedings in this case.

9           32.     I do not currently have a visa to visit the United States.

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11                               [SIGNATURE PAGE FOLLOWS]  
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1 I declare under penalty of perjury that the foregoing facts are true and correct to the best of my  
2 knowledge.

3 Executed on March 7, 2021.

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5   
6 Ka Yeung Lee